

REMARKS

Claims 1-12 remain pending in the application.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Allowability of Claims 3 and 11

The Applicants thank the Examiner for the indicating that claims 3 and 11 are allowed.

Claim 1, 9, 10 and 12 over Fransioli in view of Alperovich

In the Office Action, claims 1, 9, 10 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over WO 01/86918 to Fransioli ("Fransioli") in view of U.S. Patent No. 6,119,014 to Alperovich et al. ("Alperovich"). The Applicants respectfully traverse the rejection.

Claims 1, 9, 10 and 12 recite a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber.

The Examiner acknowledged that Fransioli fails to disclose a Short Message Service (see Office Action, page 3). However, since Fransioli fails to disclose a Short Message Service, Fransioli fully fails to disclose a Short Message Service (SMS) message, and in particular a Short Message Service (SMS) message relating to a location, with the claims requiring identification of a Short Message Service (SMS) message relating to a location. The Examiner relies on Alperovich to allegedly make up for the deficiencies in Fransioli to arrive at the claimed features. The Applicants respectfully disagree.

The Examiner alleged that Alperovich discloses a system and method for displaying short messages dependent upon location, priority and user defined indicators (see Office Action, page 3).

Alperovich discloses that an "originating subscriber can also specify that the message is to be delivered only when the called subscriber is in a certain

location” (see Abstract). An SMS message comprises location information such as a location area, a set of coordinates or a specific reference point which indicates where the mobile station should be when the SMS message is displayed (see Alperovich, col. 5, lines 26-35).

Thus, the Examiner appears correct in that Alperovich discloses displaying short messages when a called subscriber is in a certain location, i.e., “when the SMS message is displayed”. However, the messages themselves are not disclosed as being relating to a location, as recited by claims 1, 9, 10 and 12.

Moreover, the Examiner’s motivation for modifying Fransioli with the disclosure of Alperovich is “to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of a subscriber as taught by Alperovich et al. for the purpose of immediately provide the user with all information pertaining to the location.” (see Office Action, page 3). However, the Examiner’s rejection is based on modifying Fransioli to identify a Short Message Service (SMS) message relating to a location. The Examiner has failed to provide motivation why one skilled in the art would modify Fransioli with what the Examiner acknowledged that Fransioli fails to disclose, i.e., identifying a Short Message Service (SMS) message relating to a location. Thus, the rejection of Fransioli in view of Alperovich is improper for failing to provide motivation why one skilled in the art would modify Fransioli with the acknowledged deficiency in Fransioli.

Thus, Fransioli theoretically modified by the disclosure of Alperovich would result in a method for providing location based messages to a mobile user with a wireless portable receiving device that is viewed with multimedia content or a web portal (Fransioli), with short messages being displayed when a called subscriber is in a certain location (Alperovich). The Examiner has still failed to provide prior art, i.e., Fransioli in view of Alperovich, that discloses or suggests identification of a Short Message Service (SMS) message relating to a location, as recited by claims 1, 9, 10 and 12.

A benefit of a method identifying a SMS message relating to a location and transmitting the identified SMS message to a subscriber is, e.g.,

communicating location based information with a wireless device without requiring any type of upgrades to the wireless device. Manufacturers are manufacturing more and more wireless devices with SMS messaging capability. Thus, such wireless devices are able to send and receive SMS messages. Transmitting a SMS message to a wireless device that has the ability to receive such a message does not require any changes to a wireless device to receive the claimed specialized messages. Fransioli's wireless device is able to view multimedia content or a web portal, requiring a relatively complex wireless device that may further require unique programming to review such multimedia content or a web portal. Alperovich's system only controls when SMS are displayed, i.e., when a called subscriber is in a certain location. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1, 9, 10 and 12 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2, 4-8 and 10 over Fransioli in view of Alperovich and Schaphorst

In the Office Action, claims 2, 4-8 and 10 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Fransioli in view of Alperovich, and further in view of U.S. Patent No. 5,767,795 to Schaphorst ("Schaphorst"). The Applicants respectfully traverse the rejection.

Claims 2, 4-8 and 10 recite a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber.

As discussed above, Fransioli in view of Alperovich fails to disclose or suggest identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-8 and 10.

Schaphorst is relied on to disclose a GPS-based information system for vehicles (See Office Action, page 4). However, Schaphorst discloses an electronic tour guide system that relies on a database of pre-recorded

information that is permanently installed in a vehicle (See Abstract). Thus, Schaphorst's invention is directed toward a system that has information pre-loaded with tour guide information. Schaphorst's invention is unrelated to a system and method that transmits messages to a subscriber, much less disclose or suggest a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-10 and 12.

Thus, Fransioli theoretically modified by the disclosure of Alperovich and Schaphorst would still fail to disclose or suggest a system and method identifying a Short Message Service (SMS) message relating to a location and transmitting the identified SMS message to a subscriber, as recited by claims 2, 4-8 and 10.

Accordingly, for at least all the above reasons, claims 2, 4-8 and 10 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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